

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA )  
v. )  
PRENTICE KILGORE, )  
Defendant. )  
Case No. 08-CR-66-C  
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ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Western District of Wisconsin hereby dismisses, without prejudice, the one-count indictment against defendant Prentice Kilgore. This dismissal is based on the reasons set out below.

Defendant Kilgore was indicted on April 23, 2008, and the trial was scheduled for September 2, 2008. The defendant moved for a continuance and trial was rescheduled to November 17, 2008. Kilgore has been in state custody throughout this case. (A probation hold was placed on him following his arrest and his state probation was revoked on May 29, 2008.).

Defendant Kilgore is currently charged in Dane County Circuit Court Case No. 2008CF522 with Attempted First Degree Intentional Homicide and Attempted Armed Robbery with Use of Force, which is scheduled for trial on November 3, 2008. Because the charges in Case No. 2008CF522 are based on the same facts which form the basis for the federal indictment, the scheduling change created a dual prosecution issue. If the jury finds Kilgore guilty at the conclusion of the Dane County case, the federal case can

only proceed after this United States Attorney's Office obtains approval from the U.S. Department of Justice. The government will review the felon in possession charge after the conclusion of the state case and, if necessary and appropriate, seek the required authorization.

Dated this 8th day of October 2008.

Respectfully submitted,

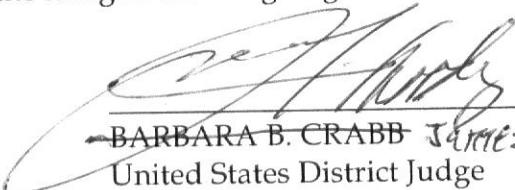
ERIK C. PETERSON  
United States Attorney

By: /s/

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JOHN W. VAUDREUIL  
Assistant U. S. Attorney  
Chief of Criminal Division

Leave of court is granted for the filing of the foregoing dismissal.

  
BARBARA B. CRABB *James T. Moody*  
United States District Judge

Dated: 10-15-08